

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law and declaration of John S. Kiernan, executed on April 2, 2012, and upon all prior pleadings and proceedings herein, the undersigned, attorneys for Defendant Federal Reserve Bank of New York, hereby move this Court for an order dismissing Plaintiff's amended complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction of the purported takings claims, 12(b)(6) for failure to state a claim upon which relief can be granted, and 23.1(b)(3) for failure to plead with

particularity that the requirements to maintain a derivative action were met, and for such other and further relief as the Court may deem just and proper.

Dated: New York, New York
April 2, 2012

Respectfully submitted,

DEBEVOISE & PLIMPTON LLP

Of Counsel:

Gary W. Kubek
Maeve O'Connor
Nicholas C. Tompkins
David B. Noland

Thomas C. Baxter, Jr.
Shari Leventhal
Meghan McCurdy
Federal Reserve Bank of New York

By: /s/ John S. Kiernan
John S. Kiernan

919 Third Avenue
New York, New York 10022
(212) 909-6000
Fax: (212) 909-6836

*Attorneys for Defendant Federal Reserve
Bank of New York*